

HUMAN
RIGHTS
WATCH

A woman is shown from the side, leaning forward as she sweeps a cobblestone floor with a broom. She is wearing a blue sleeveless top and a long, striped skirt. The floor is made of irregular, light-colored stones. In the background, there is a dark wooden door with a metal handle and a lock. To the right, a colorful patterned curtain is visible. The overall scene suggests a domestic or service environment.

DECENT WORK FOR DOMESTIC WORKERS: THE CASE FOR GLOBAL LABOR STANDARDS

HUMAN RIGHTS ABUSES, BEST PRACTICES,
AND RECOMMENDATIONS FOR AN ILO CONVENTION

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Indonesian domestic workers, holding a sign entitled “pekerja” (workers), protesting against violence against workers in Jakarta on International Women’s Day. © Enny Nuraheni/Reuters

INTRODUCTION

Millions of women and girls around the world enter domestic work in order to provide for themselves and their families. Domestic work accounts for up to 10 percent of employment in some countries, and is the single largest sector of employment for girls. Domestic workers perform essential tasks for their employers’ households, such as cleaning, cooking and serving meals, washing and ironing clothes, shopping, and caring for children and elderly members of the family.

Despite their importance to their employers’ households, domestic workers are among the most exploited and abused workers in the world. They are often overworked, underpaid, and unprotected. Working in private homes and hidden from the public eye, domestic workers are at risk of a shocking array of abuses, including physical, psychological and sexual abuse; non-payment of wages; excessively long working hours with no rest; food deprivation; and forced confinement. Most girl domestic workers are denied education. In the worst situations, women and girls are trapped in situations of forced labor or trafficked into conditions akin to slavery.

The International Labor Organization (ILO) has found in its global review of laws and practices on domestic work that the conditions of domestic workers do not improve unless there is concerted action to improve the legislative framework.¹ National laws often exclude domestic workers from key labor protections and international standards have not yet addressed the specific circumstances of this sector comprehensively. The negotiation of a new ILO instrument on decent work for domestic workers, beginning in 2010, offers a rare and critical opportunity to strengthen protections for this historically neglected and undervalued sector.

This brochure presents the findings of Human Rights Watch research² on two groups of domestic workers—children and migrants—that are often at the highest risk of abuse and exploitation, highlights examples of best government practices, and outlines recommendations for essential elements to a proposed international convention on domestic work.

EXCLUSION FROM LABOR LAWS

Instead of guaranteeing domestic workers' ability to work with dignity and free of violence, many governments have systematically denied them key labor protections enjoyed by other workers. In many countries, domestic workers are excluded from guarantees of a minimum wage, overtime pay, rest days, annual leave, workers' compensation, social security, and fair termination of contracts. This denies domestic workers equal protection under the law and has a discriminatory impact on women and girls, who constitute the vast majority of domestic workers.



Participants in the June 2008 National Domestic Workers Congress rallied in New York City for the New York State Domestic Workers' Bill of Rights. © 2008 Yana Paskova/The New York Times/Redux

WAGE EXPLOITATION

"I am told I get GNF15,000 [about US\$2.50] per month, but I have never seen that money." – Therese I., Conakry, Guinea, 2006

Domestic workers are typically grossly underpaid for the long hours they work, often making far below the minimum wage. In cases examined by Human Rights Watch in the United States, domestic workers received less than half of the federal minimum hourly wage. Child domestic workers interviewed by Human Rights Watch in Morocco in 2005 were paid between US\$0.04 to US\$0.11 per hour; the minimum wage for other forms of work was \$1.07.

One of the most common complaints by domestic workers across countries is of unpaid wages. Of 40 child domestic workers interviewed by Human Rights Watch in Guinea, only 10 received any salary at all. In some countries, employers commonly withhold wages from domestic workers before religious feasts or annual leave to ensure that they will return. Other workers are subject to illegal and arbitrary deductions from their salaries. For example, in Singapore and Malaysia, migrant domestic workers typically must forego the first six to ten months of their salary—out of two-year contracts—to pay unregulated recruitment fees. The governments of Indonesia, Sri Lanka, and the Philippines together receive more than ten thousand complaints each year from migrant domestic workers abroad—unpaid wages, ranging from a few months to more than ten years, is the most common complaint.

EXCESSIVE WORK HOURS

"I had to look after the baby, clean the house, cook. I started work at 6 a.m. and went to bed at 1 a.m. If the baby woke up at night, I had to wake up too. During the day I had to stop my work to take care of her. I did everything. I got no sleep." – Dita Wulansih, Indonesian domestic worker, Singapore, 2005

Many domestic workers toil between fourteen and eighteen hours a day with rare moments of rest. In interview after interview, in countries in Africa, the Americas, the Middle East, and Asia, domestic workers told Human Rights Watch of unrelenting work obligations. Domestic workers are often expected to be the first member of the household up in the morning, and the last one to bed at night.

Of countries surveyed by the ILO in 2008, half did not impose a mandatory limit on normal hours of work for domestic workers.⁴ In addition to the long hours worked by domestic workers during the day, many are "on-call" around the clock, for example to feed or care for infants who wake up during the night. Some are also expected to perform other forms of labor in addition to housework, for example, by working in the family's business, or making and selling food or merchandise in local markets.

REST DAYS

“There was no day off. They said I would get one every two months, but they were lying.” – Sri H., Indonesian domestic worker, Riyadh, Saudi Arabia, 2006

An ILO survey of 70 countries conducted in 2008 found that 40 percent of the countries did not guarantee domestic workers a weekly day of rest.³ It is common for many employers to require their domestic workers to work seven days a week for months or even years on end. Employers may justify denying days off by claiming that it will help domestic workers save money, prevent them from getting into trouble or getting pregnant, or prevent them from getting a second job. In other cases, employers candidly report they prohibit domestic workers from taking a day off because they want their services everyday and they are afraid they will run away.

However, having no rest days increases the isolation of domestic workers by cutting them off from their families and preventing them from making contact with other workers or organizations that may be able to provide them with help and services.

HEALTH CARE, WORKERS’ COMPENSATION, AND MATERNITY LEAVE

When I got sick they said, “you are lying, you aren’t sick!” and they didn’t give me any medicine and I had to work anyway.

– Najat Z, age 11, Marrakech, Morocco, 2005

Domestic workers routinely engage in tasks that pose risks of injuries or long-term health problems. These include heavy lifting; bending; handling toxic cleaning chemicals, hot water, sharp knives, oil and irons; repetitive movements; and prolonged exposure to dust. An ILO study in Honduras found that one in four women in domestic work had been seriously burned, one in five had suffered cuts, and one in 10 had been hit and suffered serious contusions.⁵

Domestic workers are excluded from health care or workers’ compensation schemes in most countries. If they fall ill or are injured, many domestic workers’ only option is to trust—often in vain—that their employer will give them time off and ensure they receive medical care. Domestic workers repeatedly told Human Rights Watch that when they fell ill, they were forced to keep working and did not receive any medical assistance.

Many countries exclude domestic workers from maternity leave provisions. In most cases documented by Human Rights Watch, domestic workers who became pregnant lost their jobs. The ILO found that in Mexico, for example, dismissal for pregnancy appears to be more common for domestic workers than for women and girls in other occupations.⁶



Suprianto takes care of his four-year-old daughter Abigail in Indonesia while his wife, Widyarningsih, works in Singapore.
© 2006 Susan Meiselas / Magnum Photos

TERMINATION OF CONTRACTS

Domestic workers rarely enjoy any measure of job security and may often be dismissed at a moment’s notice. For migrant domestic workers, dismissal often means immediate repatriation, with no access to redress for abuses and sometimes without full payment of their wages. Indonesian domestic workers who were employed in Malaysia and Saudi Arabia told Human Rights Watch that they were immediately sent home after telling their female employer about sexual harassment or abuse by male members of the household. They had no opportunity to complain to the police or their embassy. In countries where work permit regulations allow employers to repatriate migrant domestic workers at will or deny them transfers to other employers, domestic workers are less able to demand just treatment and may feel they have no choice but to stay in jobs where they are abused.

INADEQUATE LIVING CONDITIONS

“I slept in the kitchen on a sheet.”

– Rasha A., age 10, Marrakech, Morocco, 2005

Many domestic workers are provided substandard, unhealthy and unsafe sleeping quarters with no regard for their dignity, privacy or personal security. Domestic workers interviewed by Human Rights Watch described being forced to sleep in storerooms; laundry rooms; closets; and common living areas such as the living room, kitchen, hallways, and staircases. The safety of domestic workers is often put at risk because they do not have a lock on their door, must share a room with adult males, or are forced to sleep in open living areas, leaving them vulnerable to sexual harassment and assault.

CRIMINAL ABUSES AGAINST DOMESTIC WORKERS

The special circumstances of their employment make domestic workers vulnerable to appalling abuses. Because they work in private households, domestic workers are typically isolated and shielded from public scrutiny. Those who live in their employers' homes are at heightened risk of mistreatment, including physical, sexual, and psychological abuse; food deprivation; and forced confinement. Domestic workers rarely benefit from any external monitoring of their workplace, and often do not have access to complaints mechanisms. In some cases, when domestic workers report criminal abuse, police dismiss their claims and return them to their employers. In other cases, employers deter domestic workers from approaching the police by filing or threatening spurious counter-allegations of theft. Few governments actively prosecute abusive employers for criminal violations, leaving domestic workers at the mercy of their employers.



Kenii binti Carda, an Indonesian domestic worker, suffered severe abuse while working in Medina, Saudi Arabia, in 2008. Legal proceedings against her employer had yet to begin as of February 2010. © 2009 SBMI

PSYCHOLOGICAL AND PHYSICAL ABUSE

“She beat me until my whole body burned. She beat me almost every day... She would beat my head against the stove until it was swollen. She threw a knife at me but I dodged it. I had a big black bruise on my arm where she had beaten my arm with a cooking spoon, she beat me until the spoon broke into two pieces. This behavior began from the first week I arrived. ... She never paid me for 10 months. I thought if I don’t escape, I will die.”

– Wati S., migrant domestic worker in Saudi Arabia, 2006

Almost without exception, domestic workers interviewed by Human Rights Watch suffered some kind of mistreatment. Verbal abuse—including harsh insults, threats, and belittlement—is most common. Workers report that their employers use derogatory names, shout at them, and threaten to withhold pay, send the worker back home, or report the worker to labor agents, the police, or immigration officials. Such treatment reinforces the employer’s domination and control over domestic workers, making them less likely to resist or seek redress for abusive employment conditions.

Human Rights Watch has recorded physical violence against domestic workers ranging from slaps to severe beatings using implements such as shoes, belts, sticks, electrical cords, or household tools; knocking heads against walls; and burning skin with irons or chemicals. In some cases, physical abuse is so severe it has led to paralysis, blindness, and death. An autopsy of an Indonesian domestic worker who was beaten to death found evidence of over two hundred injuries on her body, as a result of slapping, kicks, punches, burns, and scalding. Many domestic workers have told Human Rights Watch that their employers used physical violence in response to requests for salaries or for mistakes, minor accidents, and minor infractions such as responding slowly to an order.

SEXUAL ABUSE

“The husband wakes me up and rapes me. He has threatened me with a knife and said I must not tell anyone. He does it each time his wife travels. I am scared. If I told his wife, I would not know where to live.”

– Brigitte M., Guinea, age 15, 2006

Isolation and lack of privacy place domestic workers at risk of sexual harassment and assault, including propositions, groping, threats of rape, rape, and repeated rape. Human Rights Watch has collected testimonies in numerous countries of sexual abuse; in most cases the victims endured the abuse because they felt unable to escape, felt financial pressure to remain in their jobs, or were under threat of greater harm if they did report. Workers who denounced their victimizers were often disbelieved or blamed for the abuse, and often fired from their jobs. In countries such as Saudi Arabia and Kuwait, domestic workers were frightened to report sexual violence because of the risk that they may be prosecuted and convicted for adultery and fornication.



A girl domestic worker washes dishes for her host family before she goes to primary school in Conakry, Guinea.
© 2007 Susan Meiselas / Magnum Photos

In El Salvador, the ILO found that 15.5 percent of girl domestic workers who changed their employers did so due to sexual harassment or abuse, making sexual abuse the second leading cause for leaving a position.⁷ In Guatemala, Human Rights Watch found that one-third of the adult domestic workers we interviewed had suffered some kind of unwanted sexual approaches or demands by men associated with the household.

FOOD DEPRIVATION

A common form of mistreatment that serves to reinforce the inferiority of domestic workers' status in the household is the withholding of food, or providing poor quality or rotten food. In some cases, domestic workers are literally starved and forced to steal food, or rely on neighbors or others for sustenance. Some domestic workers interviewed by Human Rights Watch reported that they were only given rice or bread to eat, and lost significant amounts of weight while working as domestic workers. In Haiti, for example, an ILO study found that child domestic workers weighed, on average, 40 pounds lighter than other children living in the same neighborhood.⁸

FORCED LABOR

"I never got a chance to leave the house. They locked me in from the outside. When I had stayed there for one year, I got a chance to escape. It was a Thursday and I ran out. My condition was bad, my left eye couldn't see, I was swollen all over. I got a taxi that took me to a police officer... My employer came to the station and took me back. I refused, I said, "My employer is a bad person." My employer said, "You haven't finished your contract yet, it should be two years." – Nour Miyati, migrant domestic worker in Saudi Arabia, 2006

In some cases, the circumstances of domestic workers constitute forced labor, with migrant workers and child domestic workers at particular risk of becoming trapped in forced labor. Human Rights Watch spoke with migrant domestic workers who had been locked in their employer's house or ordered not to leave, stripped of their passports and work permits, denied their full wages, and confronted with inflated agency fees for transferring employment. Some were under direct or indirect threat from employers or labor agents of being trafficked into forced prostitution, charged substantial fines if they did not finish their contracts, or being abandoned far from their homes. Some workers who migrate abroad for domestic work find that deductions of 90-100 percent of their salaries are withheld to cover recruitment and placement fees. Depending on the country, migrant domestic workers may work for three to ten months without ever receiving a wage.



Nour Miyati's employers abused her so severely she required several surgeries, including amputation of her toes and fingers. Despite her employer's confession and extensive physical evidence, the Saudi government dropped all criminal charges. © 2008 Private

TRAFFICKING

“There was a woman who came to the market to buy charcoal. She found me and told my mother about a woman in Lomé who was looking for a girl like me to stay with her and do domestic work. She came to my mother and my mother gave me away. The woman gave my mother some money, but I don’t know how much.” – Kéméyao A., age 10, Lomé, Togo, 2002

Women and girls recruited into domestic work may become victims of trafficking in persons. In Togo, Human Rights Watch interviewed dozens of girls from poor agricultural background with little or no formal schooling whose parents had handed them over to an intermediary, sometimes for a price, with the understanding that the child would receive a formal education, and professional training or paid work. Instead, the girls were placed into conditions of abuse and exploitation resembling child slavery; almost none received any remuneration for their work.



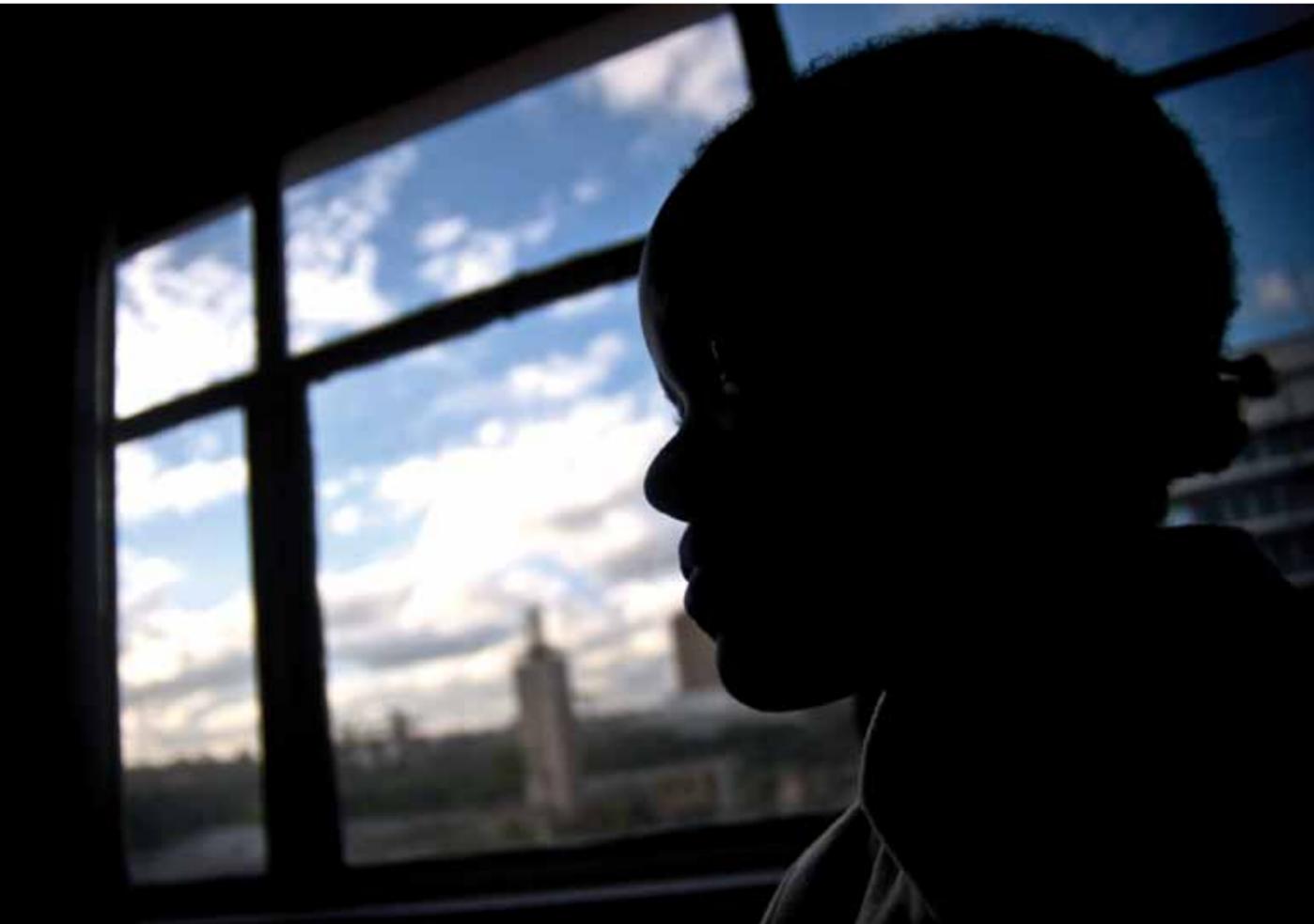
Migrant women en route to Singapore wait for their labor agent at Hang Nadim Airport in Batam, Indonesia.
© 2006 Susan Meiselas / Magnum Photos

BY THE NUMBERS: AN OVERVIEW

- **Millions of women and girls around the world are employed as domestic workers.** Indonesia alone has an estimated 2.6 million domestic workers, while Saudi Arabian households employ 1.5 million domestic workers. In countries including Argentina, Belize, Brazil, Costa Rica, Ethiopia, South Africa, and Uruguay, domestic work comprises 5-9 percent of all employment.⁹
- **Domestic workers are often underpaid.** In Indonesia, Human Rights Watch found that many domestic workers were paid **one-tenth** or even **one-twentieth** the prevailing minimum wage when calculated on an hourly basis. In Saudi Arabia, the typical wage for a Sri Lankan migrant domestic worker is only **one-third** the unofficial minimum wage for Saudi citizens.
- **Domestic work is often dangerous.** In Nepal, **27 percent** of child domestic workers had suffered accidents, primarily burns or cuts.¹⁰ In Salvador, Brazil, a study found that rates of work injuries for domestic workers were **46 percent** higher than for other workers.¹¹
- **Domestic workers work long hours.** In Kuwait, domestic workers work an average of **78-100 hours** per week.¹² In Nepal, 374 out of 378 child domestic workers surveyed by the ILO said that they worked **12 or more hours** a day.¹³ Some domestic workers never get a day off.
- **Domestic workers often begin working at very young ages.** In Nepal, children typically enter domestic work between the ages of **10 and 14**.¹⁴ In Brazil, **one in ten** child domestic workers between the ages of 11 and 15 had already been working in domestic service for five or more years.¹⁵ In Kenya, some children begin domestic work as young as age 8. In Morocco, children may start work at 6.
- **Domestic workers are at high risk of violence, abuse, and suicide.** The number of complaints by migrant domestic workers about employer and recruiter abuse in Middle Eastern and Asian countries are so high that **100-300** women can be found at any given time being sheltered in the embassies of Sri Lanka and Indonesia in countries such as Saudi Arabia, Kuwait, and Malaysia. On average, at least **one migrant domestic worker dies each week** in Lebanon, primarily due to botched escapes or suicides.

CHILD DOMESTIC WORKERS: ESPECIALLY VULNERABLE

The ILO estimates that 100 million girls under age 18 are working worldwide.¹⁶ The largest number of these are employed as domestic workers, making domestic work the largest single sector of child labor involving girls. In countries such as South Africa, Indonesia, Brazil, Haiti, Kenya, Peru, and the Philippines, hundreds of thousands of girls are working as domestic workers.¹⁷ The ILO reports that in Costa Rica, one in every four girls is employed as a domestic worker; in Panama almost half of all girls under 18 are in domestic service; and in Kathmandu, Nepal, one in five households employs children.¹⁸



Girls are often pushed into domestic work when school fees or related costs force them to abandon their education, or when their families remove them from school to contribute to the families' income. In some cases, child domestic workers are in demand because they can be paid lower wages (if paid at all) and are considered easier to control and less likely or able to report abuses or to escape.

Despite their young age, child domestic workers often work extremely long hours. ILO studies in Nepal and Guatemala found that their hours of work typically exceeded twelve hours a day. These long hours of work makes schooling virtually impossible for child domestic workers. Although many child domestic workers, particularly girls from poor, rural areas, are promised by their employers and recruitment agents the opportunity to go to school, these promises often do not materialize. For example, of 45 child domestic workers interviewed by Human Rights Watch in Indonesia in 2004, only one was attending school. A study of child domestic workers in Casablanca, Morocco, found that 83 percent had never attended school and were illiterate.¹⁹

The young age and inherent vulnerability of child domestic workers places them at particular risk of abuse, including forced labor and trafficking. In Tanzania, an ILO report found that girls who arrived at support centers for children working in prostitution had often ended up on the streets after being sexually abused as domestic workers and fired by their employers. More than a third of all girls trafficked from Nigeria, Benin, Niger and Chad into Cameroon, as well as from within Cameroon, ended up in domestic labor.²⁰ Many children cannot contact their families and stay with abusive employers because they have nowhere else to go.

The International Labor Office has stated that child domestic workers are in situations of "extreme risk" and that their work, by its nature, often constitutes one of the worst forms of child labor.²¹ The Worst Forms of Child Labour Convention (ILO 182) prohibits trafficking, slavery or slave-like practices, and work which "by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."²² Recommendation 190 outlines what constitutes hazardous labor under the Convention and includes many of the circumstances routinely faced by child domestic workers: work that exposes children to physical, psychological or sexual abuse; that involves dangerous tools; exposure to hazardous substances; difficult conditions including long hours or night work; or work where the child is unreasonably confined to the premises of the employer.²³ However, the Worst Forms of Child Labour Convention makes no explicit reference to child domestic workers and allows scope for states parties to exclude child domestic workers from national minimum age legislation.

MIGRANT DOMESTIC WORKERS

The millions of women and girls who migrate across borders for domestic work bolster the economies of both their countries of origin and of employment. For many labor-sending countries, remittances from migrant workers constitute the single largest source of foreign exchange. For example, Filipino migrant workers, mostly women, sent home US\$19 billion in 2008, 11.4 percent of the country's GDP.²⁴



Sariningsih, 28, and Nuryani, 20, begin their journey to a labor recruitment agency in Jakarta to find work in Saudi Arabia as domestic workers. © 2006 Susan Meiselas / Magnum Photos

Although governments benefit from migrant domestic workers' labor, taxes, and remittances, many have failed to guarantee basic human rights protections. Instead, domestic workers confront the risk of exploitation and abuse at every stage of the migration cycle, including recruitment, transit, employment, and return.

Employment agencies involved in the recruitment and training of prospective migrant domestic workers often provide incomplete or misleading information about working conditions, and charge exorbitant fees. For example, employment agencies charge Indonesian domestic workers between US\$700 and US\$1000 for job placement in Malaysia. Workers who are unable to pay such large fees upfront often have no choice but to turn over their first several months of pay to cover the debt. Illegal labor recruiters may also extort large sums of money from prospective workers in addition to salary deductions.

Some agencies subject women and girls to months of pre-departure abuses in overcrowded training centers. Women are told they will undergo training for a month or two, but instead, spend months in prison-like conditions, with inadequate food and water, and verbal and physical abuse.

Once abroad, migrant domestic workers are often subject to highly restrictive and discriminatory immigration regulations. Many countries have employment-based visa structures that tie a migrant domestic worker to an individual employer. In such situations, domestic workers who leave their employers, even for reasons of abuse, risk losing their legal status and may be imprisoned, fined and deported. Employers in Singapore, Malaysia, Saudi Arabia, and Kuwait, for example, may repatriate their domestic workers at will, and can deny the transfer to another employer even at the end of a two-year contract. In some countries, employers and labor agencies routinely confiscate workers' passports and work permits, heightening even further the precarious legal status of migrant domestic workers.

Restrictive immigration policies also discourage migrant domestic workers from lodging formal complaints against abusive employers. For example, in Malaysia, migrant domestic workers must apply for a "special pass" to stay in the country to pursue civil and criminal complaints. Such passes are prohibitively expensive for many workers and do not allow the women to seek new employment for what can be a months or years long investigation and trial. Faced with an indefinite stay, confined in a shelter, unable to earn money, and eager to return home after traumatic experiences, most domestic workers avoid pressing charges, or drop them even in cases where the police have arrested their employer.

In order to exert control over migrant domestic workers, labor agents and employers often limit workers' ability to communicate with the outside world, including friends and family. They often prohibit workers from using the phone, from sending or receiving letters, or even from talking with neighbors, other domestic workers, or shop-keepers. Labor agents and employers may strip domestic workers of any contact information they bring with them, including addresses or phone numbers of family members. In Saudi Arabia, the United Arab Emirates, Malaysia, Singapore, and the United States, Human Rights Watch spoke with migrant domestic workers who had been forcibly confined to their employers' house. In some cases, women had not been outside the house for periods exceeding two years.

Women and girls subjected to forced confinement and deprived of outside contact may resort to dangerous escapes. In Kuwait, Human Rights Watch found in 2009 that one hospital typically treated 10-15 migrant domestic workers each month for spinal cord injuries and serious fractures sustained in escape or suicide attempts from upper stories of their places of employment.

GOOD PRACTICES

Recognizing the risks of exploitation and abuse that domestic workers face, many governments have adopted positive laws and practices to protect the rights of domestic workers.

LEGAL PROTECTIONS AND CONTRACTS

- Two-thirds of 66 countries surveyed by the ILO—across all regions of the world—have established minimum wage provisions for domestic workers. Many also provide domestic workers with workers’ compensation, health care, retirement pensions, and unemployment insurance.
- Brazil and Mexico have included rights for domestic workers in their national constitutions.
- Countries including Ireland, South Africa, and Trinidad and Tobago require written employment agreements for domestic workers. Some, including France, Lebanon, Peru, Singapore, and the United Arab Emirates, have introduced standard or model employment contracts for domestic workers to outline terms of employment.
- Domestic workers in Hong Kong are able to form and join trade unions. These trade unions have been effective at raising awareness among domestic workers about their rights and campaigning for stronger legal protections.

WAGES AND WORKING HOURS

- Half of the countries surveyed by the ILO guarantee at least one day of rest each week for domestic workers.
- South Africa introduced a minimum wage for its 1 million domestic workers in 2002, leading to increased earnings for domestic workers and lower poverty rates.
- Regulations in Hong Kong stipulate that no more than 10 percent of a migrant worker’s monthly salary can be deducted to pay off recruitment fees.
- Austrian law requires that live-in domestic workers have at least a ten-hour period of daily rest, including the period between 9 p.m. and 6 a.m.

EDUCATING EMPLOYERS AND WORKERS

- Singapore requires all new employers to complete a mandatory training/orientation before employing a domestic worker.
- Some countries have created “know your rights” booklets in domestic workers’ native languages that provide information about legal protections and help hotlines.
- Italy has translated its national collective agreement into many of the languages spoken by domestic workers, including Albanian, Arabic, English, Eritrean, Filipino, French, Polish, and Spanish.
- Switzerland conducted a public awareness campaign preceding the entry into force of a new law regarding work in the informal economy.
- In Guatemala, the labor inspectorate has placed a self-evaluation form on the internet for all employers, so that they can verify whether they comply with the law.

MONITORING AND ENFORCEMENT

- Uruguay’s labor and social security inspectorate has the legal authority to conduct home inspections when a labor judge believes a ‘presumed violation’ of labor norms exists. The inspectorate has created a special section to monitor domestic work.
- In Sri Lanka, the National Child Protection Authority has the authority to enter and search any premise where it has reason to believe child abuse is occurring, including private homes.
- In Bolivia, the Household Workers Act requires public authorities receiving complaints from domestic workers about abuses, physical aggression and sexual assault by an employer or family member to initiate an investigation.
- Singapore imposes a 150 percent penalty for convictions of physical or sexual abuse of domestic workers in acknowledgement of their position of vulnerability. They have begun to prosecute employers accused of abuse vigorously, and publicize these cases to send a message that abuse of domestic workers is not tolerated.
- In Tanzania, the trade union CHODAWU (Conservation Hotel Domestic and Allied Workers Union) set up child labor committees in local villages to help identify cases of exploitative labor, coordinate the withdrawal of children from exploitative situations, and initiate legal action against employers when necessary. Teachers are often included in the committees, because they are often best-placed to know whether a child is attending school or not, or is at risk of dropping out.

PROTECTION FOR MIGRANT WORKERS

- Some countries, including Singapore, Sri Lanka, and Indonesia, have set up “help desks” at airports to screen for domestic workers suffering abuse. Sri Lanka, Indonesia, and the Philippines has also established “safe houses” for domestic workers in major labor-receiving countries in Asia and the Middle East.
- The Indian government requires that any Indian domestic worker employed in the United Arab Emirates is provided with a cell phone, which helps to reduce isolation and enhances their ability to seek help if needed.
- Saudi Arabia, Kuwait, and the UAE require employers to pay for all recruitment-related costs for domestic workers, which helps reduce incidents of bonded labor. The Philippines and Hong Kong require employers to pay round-trip airfare and most expenses associated with recruitment and placement of migrant domestic workers.
- Canada provides a two-month interim work permit to allow migrant domestic workers that are between jobs to seek a new employer.
- Memoranda of Understanding between Indonesia and Kuwait, and between Philippines and Qatar, require clear contracts of employment for domestic workers.
- A bilateral agreement between Argentina and Peru guarantees that migrant domestic workers receive the same treatment as nationals under labor law with respect to wages, working conditions, and social security.

RECOMMENDATIONS

TO MEMBERS OF THE INTERNATIONAL LABOR ORGANIZATION REGARDING THE PROPOSED ILO INSTRUMENT ON DECENT WORK FOR DOMESTIC WORKERS

MEMBERS OF THE INTERNATIONAL LABOR ORGANIZATION SHOULD SUPPORT

1. A Binding Convention accompanied by a Recommendation

Although domestic workers are technically covered by existing labor conventions, these standards do not address the unique circumstances of domestic workers or provide adequate guidance for guaranteeing them access to decent employment conditions. Many governments consider domestic workers as “informal labor” and exclude them from the regulation and legal protections accorded workers in the formal sector. Given the widespread and appalling abuses endured by domestic workers, a binding convention is necessary to ensure adequate protections for this significant sector of the global workforce. An accompanying recommendation can provide states with additional guidance for how decent work objectives might be achieved.

2. Comprehensive labor protections for domestic workers

To ensure equal protection under the law, the Convention should stipulate that labor protections in national law that apply to the formal sector should be extended to domestic workers, including provisions related to a minimum wage, periods of daily and weekly rest, overtime pay, freedom of association, social security, workers’ compensation, health care, and maternity leave. Additional protections to address the specific nature of domestic work, such as intermittent working hours, living accommodations and provision of food are also necessary.

3. Protections for child domestic workers

Due to its inherent risks to children, the Convention and Recommendation should articulate special protections for child domestic workers, including:

- prohibiting domestic work before age 15;
- extending child labor protections that apply to other working children, ages 15-17, to child domestic workers, including limited hours to ensure adequate rest and allow school attendance and contact with families;
- guidance on types of work that may be hazardous and therefore prohibited;
- the creation or strengthening of child protection mechanisms to monitor the well-being of child domestic workers and remove those who are underage or mistreated.

4. Protections for migrant domestic workers

Their special circumstances and the heightened risks of exploitation and abuse for migrant domestic workers also require specific protections, including:

- legal frameworks that ensure that migrant domestic workers’ employment visa and immigration status is not tied to their employers;
- caps on recruitment fees and regulation of salary deductions to avoid debt bondage and forced labor;
- regulation and monitoring of labor agencies to ensure compliance with standards relating to recruitment, fees, training, work placements, and termination of contracts.

5. Explicit employer agreements or contacts

Domestic workers should have the right to explicit, written terms of employment, outlining their specific duties, hours, remuneration, days of rest, and conditions of work.

6. Protection from violence and abuse

The heightened risks of physical, sexual, and psychological abuse domestic workers face and their location in private homes require special mechanisms to ensure their protection, including:

- Confidential and accessible complaints mechanisms (such as 24-hour hotlines);
- Prompt and thorough investigations of reported abuse;
- Active prosecution of abusive employers;
- Removal and recovery services for workers who experience abuse, that provide temporary accommodation, physical and psychological health care, legal assistance, and access to schooling or vocational training.

7. Monitoring of both labor agencies and employers

Mechanisms should be implemented to effectively monitor working conditions for domestic workers, including:

- Requirements that prospective employers submit to a home visit by appropriate authorities;
- Registration of all domestic workers with a local labor agency or appropriate local authority;
- Legal authority for appropriate authorities to conduct home inspections when abuse is suspected;
- Regular monitoring of labor agencies by labor inspectors to ensure compliance with relevant laws and regulations.

REFERENCES TO HUMAN RIGHTS WATCH RESEARCH IN THIS DOCUMENT ARE DRAWN FROM THE FOLLOWING HUMAN RIGHTS WATCH REPORTS:

Workers in the Shadows: Abuse and Exploitation of Child Domestic Workers in Indonesia, 2009

“As If I Am Not Human”: Abuses against Asian Domestic Workers in Saudi Arabia, 2008

Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers in Guinea, 2007

Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates, 2007

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¹ International Labor Organization, Decent Work for Domestic Workers, Report IV (1), International Labour Conference, 99th Session 2010 (Geneva, International Labour Office, 2009), p. 94.

² Since 2001, Human Rights Watch has conducted investigations of working conditions for domestic workers in El Salvador, Guatemala, Guinea, Indonesia, Kenya, Kuwait, Lebanon, Malaysia, Morocco, Saudi Arabia, Singapore, Sri Lanka, Togo, the United Arab Emirates, and the United States.

³ ILO, Decent Work for Domestic Workers, op.cit., p. 50.

⁴ Ibid, p. 50.

⁵ ILO-IPEC, Child domestic labour in Honduras (Honduras, ILO-IPEC, 2003), p. 74.

⁶ ILO, Decent Work for Domestic Workers, op cit., p. 63.

⁷ Oscar Godoy, El Salvador: Trabajo infantil doméstico: Una evaluación rápida (Geneva: ILO-IPEC, 2002), p 24.

⁸ Minnesota Lawyers International Human Rights Committee, Restavek: child domestic labour in Haiti, (Minneapolis: Minnesota Lawyers International Human Rights Committee, 1990), p 25, cited in ILO, Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it, Geneva: International Labour Office, 2004, p 51.

⁹ ILO, Decent Work for Domestic Workers, op. cit. p. 6.

¹⁰ ILO-IPEC, Nepal: Situation of domestic child labourers in Kathmandu: a rapid assessment, Kathmandu, 2001, cited in ILO, Helping Hands or Shackled Lives? p 59.

¹¹ V.S. Santana et al., “Emprego em serviços domésticos e acidentes de trabalho não fatais” in Saude Publica, Feb. 2003, pp 1-12; cited in ILO, Decent Work for Domestic Workers, p 62.

¹² ILO, Helping Hands or Shackled Lives?, op.cit., p 59.

¹³ Ibid, p 58.

¹⁴ ILO-IPEC, Nepal: Situation of domestic child labourers in Kathmandu: a rapid assessment, Kathmandu, 2001, cited in ILO, Helping Hands or Shackled Lives? p 58

¹⁵ M.A. Tavares, Onde está Kelly? (Brazil, Cendhed, 2002), p. 48, cited in ILO, Helping Hands or Shackled Lives? p 31.

¹⁶ ILO, Give Girls a Chance: Tackling Child Labour, a Key to the Future (Geneva, International Labour Office, 2009).

¹⁷ ILO, Helping Hands or Shackled Lives? op.cit., p 15.

¹⁸ Ibid, p 21 and 58.

¹⁹ Cited in Human Rights Watch, Inside the Home; Outside the Law: Abuse of Child Domestic Workers in Morocco (Human Rights Watch, New York, 2005), p 14.

²⁰ ILO, Helping Hands or Shackled Lives? op.cit., p 32.

²¹ Ibid, p 5.

²² Worst Forms of Child Labour Convention, article 3.

²³ Worst Forms of Child Labour Recommendation 190, para 3.

²⁴ World Bank, “Remittances Data, November 2009,” Migration and Development Brief 11 (Washington DC: World Bank, 2009) available at <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21121930~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html> (last accessed February 23, 2010).



On a rare day off, Indonesian domestic workers at a picnic participate in an exercise to create recommendations to the Singaporean government on needed reforms. © 2005 Nisha Varia / Human Rights Watch

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Cover : This girl started working as a domestic worker in Conakry, Guinea when she was 11 years old.
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